

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

VETERAN MEDICAL PRODUCTS,  
INC., *et al.*,

Plaintiffs,

Case No. 1:05-cv-655

v

Hon. Hugh W. Brenneman, Jr.

BIONIX DEVELOPMENT CORPORATION,  
*et al.*,

Defendants,

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**ORDER**

The parties having agreed that plaintiffs do not infringe United States Patent No. 423,669 (“the ‘669 Patent”), and the parties having agreed that it is not necessary to litigate the issue of the alleged invalidity of the ‘669 Patent any further in this action,

IT IS ORDERED that plaintiffs’ action for declaratory judgment is GRANTED to the extent that it seeks a declaration that the ‘669 Patent is not infringed by the plaintiffs; and

IT IS FURTHER ORDERED that the defendants’ first counterclaim, which alleges infringement of the ‘669 Patent, and all relief sought in the counterclaim based thereon, is DISMISSED.

Dated: October 18, 2007

/s/ Hugh W. Brenneman, Jr.  
HUGH W. BRENNEMAN, JR.  
United States Magistrate Judge